

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

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R 170306Z JAN 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1285

INFO CINCPAC HONOLULU

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 0884

CINCPAC FOR POLAD: PLEASE PASS TO ASSISTANT SECRETARY HABIB

E O 11652: GDS

TAGS: SHUM, PINT, RP

SUBJ: LOPEZ IMPRISONMENT

REF: MANILA 9314, 8554, 7456, 7227, 4259, 4159, 4096, A-206

OF JULY 28, 1975, STATE 009420

SUMMARY: MRS. EUGENIO LOPEZ, JR. TOLD EMBOFF JANUARY 16 SHE BELIEVES HER HUSBAND IS CLOSER TO BEING RELEASED THAN AT ANY OTHER TIME SINCE HIS IMPRISONMENT. SHE HAS HIRED NEW LAWYER WITH EXCELLENT MALACANANG CONNECTIONS TO REPLACE SENATORS DIOKNO AND TANADA. SHE SAID HER HUSBAND STILL REFUSES AMNESTY BUT IS WILLING TO STATE CIRCUMSTANCES WERE SUCH THAT GOVERNMENT JUSTIFIED IN BELIEVING HE SHOULD BE CONFINED. SHE THINKS HER BROTHER-IN-LAW PSINAKIS IS OUT OF TOUCH WITH EVENTS HERE AND HOPES HIS ACTIVITIES WILL NOT JEOPARDIZE HER HUSBAND'S CHANCE FOR FREEDOM. END SUMMARY.

1. WE ARE PUZZLED BY STATEMENT PARA 1 STATE 009420 THAT DEPARTMENT'S PRINCIPAL INFORMATION ON LOPEZ/OSMENA DATES FROM DECEMBER 1974. EMBASSY SENT NUMEROUS MESSAGES ON THIS CASE IN 1975. PLEASE SEE REFTELS.

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2. CURRENT STATUS. EMBOFF CALLED ON MRS. EUGENIO LOPEZ, JR. JAN 16 WHO SAID THERE HAD BEEN NO MAJOR DEVELOPMENTS SINCE REINVESTIGATION PANEL SUSPENDED HEARINGS. SHE FEELS HER HUSBAND IS CLOSER TO RELEASE THAN AT ANY OTHER TIME SINCE HIS IMPRISONMENT. HE WAS GIVEN PASSES TO VISIT HOME AND STAY OVERNIGHT DURING THE RECENT HOLIDAYS. MRS. LOPEZ SAID SHE HAS NOW ENGAGED ATTORNEY FOR SECRETARY OF NATIONAL DEFENSE ENRILE (QUISUMBING) TO ASSIST HER WITH AGREEMENT OF SENATORS TANADA AND DIOKNO WHO HAVE NO ACCESS TO MALACANANG. MRS. LOPEZ SAID MARCOS STILL WANTS HER HUSBAND TO ACCEPT AMNESTY BUT HENNY CONTINUES TO REFUSE CLAIMING HE HAS DONE NOTHING CRIMINAL AND THAT TO ACCEPT WOULD MERELY ADD INSULT TO INJURY. MRS LOPEZ SAID, HOWEVER, HER HUSBAND WOULD BE WILLING TO MAKE STATEMENT TO EFFECT THAT CIRCUMSTANCES WERE SUCH THAT THE GOVERNMENT MIGHT HAVE THOUGHT IT HAD JUSTIFICATION FOR CONFINING HIM. MRS. LOPEZ SAID SHE DOES NOT AGREE WITH VIEW THAT HER BROTHER-IN-LAW STEVE PSINAKIS "WILL FIGHT MARCOS TO THE LAST DROP OF HENNY'S BLOOD" BUT SHE BELIEVES HE IS OUT OF TOUCH WITH EVENTS IN THE PHILIPPINES. SHE SAID SHE IS NOT SUBSIDIZING HIS ANTI-MARCOS EFFORT AND THAT HER LATE FATHER-IN-LAW UNDERWROTE PSINAKIS' ENTIRE CAMPAIGN. AS EXAMPLE OF PSINAKIS' ATTITUDE SHE SAID THAT HE AND HIS WIFE (PRESSY) WERE ANGRY THAT FAMILY WAS COURTEOUS TO MRS. MARCOS WHEN SHE APPEARED UNEXPECTEDLY AT LOPEZ SR. FUNERAL. PSINAKIS SAID THAT IF HE AND HIS WIFE HAD BEEN THERE THAT THEY "WOULD HAVE SPIT IN MRS. MARCOS FACE." MRS LOPEZ SHRUGGED AND ASKED WHAT COULD BE DONE ABOUT SOMEONE WHO SHOWED SUCH LACK OF DECENT BREEDING. SHE WAS REFERRING TO BOTH HER BROTHER-IN-LAW AND MADAME.

3. BACKGROUND. SUMMARY OF LOPEZ/OSMENA CASE WAS CONTAINED PARA 3 MANILA 8554 OF JUNE 23, 1975. FOLLOWING ARE HIGHLIGHTS: LOPEZ/OSMENA ENDED HUNGER STRIKE ON UNDERSTANDING FROM SECRETARY ENRILE THEY WOULD BE RELEASED TO THEIR HOMES AND FREED IN JAN 1975. ON DEC 11, 1974 PRESIDENT ANNOUNCE LOPEZ/OSMENA DID NOT QUALIFY FOR AMNESTY. ON MARCH 6, 1975 HE CREATED FIVE MAN

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REINVESTIGATION PANEL HEADED BY JUDGE ADVOCATE GENERAL TO REINVESTIGATE CRIMINAL CHARGES AGAINST THOSE INVOLVED IN ALLEGED ASSASSINATION PLOT INCLUDING LOPEZ/OSMENA AND AMERICAN CITIZEN LEHMAN, DND FORMALLY ANNOUNCED CREATION OF INVESTIGATION PANEL APRIL 1 STATING THAT MARCOS WANTED THOSE INVOLVED TO HAVE "FULL BENEFIT OF DUE PROCESS" AND TO DETERMINE MORE DEFINITELY THEIR INVOLVEMENT IN CASES. ACCORDING TO AMENDED CHARGE SHEET

DATED AUGUST 8, 1973 SUBMITTED TO MILITARY COMMISSION 5, LOPEZ/OSMENA ACCUSED OF VIOLATING ARTICLE 248 (MURDER) IN CONNECTION WITH ARTICLE 6 OF REVISED PENAL CODE (MURDER COMMITTED BY SYNDICATE). LOPEZ/OSMENA TOLD CONGRESSMAN FRASER APRIL 5 THAT THEY DID NOT SEE AMENDED CHARGES UNTIL APRIL 3, 1975 ONE DAY AFTER WHAT THEY CLAIMED WAS THEIR FIRST SESSION WITH THEIR LAWYERS. (MANILA 4259). ON MAY 6, THEY WERE REMOVED FROM VETERANS MEMORIAL HOSPITAL IN QUEZON CITY WHERE THEY HAD BEEN CONFINED SINCE THEIR HUNGER STRIKE AND RETURNED TO FORT BONIFACIO.

4. REINVESTIGATION HEARINGS. REINVESTIGATION OF MARCOS ASSASSINATION PLOT BEGAN APRIL 3 WITH LOPEZ/OSMENA AND THEIR LAWYERS SENATORS DIOKNO AND TANADA IN ATTENDANCE. (MANILA 4159). PANEL GAVE DEFENDANTS TWO WEEKS TO PREPARE CASE. AFTER FIRST SESSION, LOPEZ/OSMENA BOYCOTTED SESSION. AT MAY 12 HEARING, MILITARY PROSECUTOR NOTED NEITHER LOPEZ NOR OSMENA HAD CHALLENGED JURISDICTION OF SPECIAL PANEL AND CLAIMED THEY HAD ACCESS TO LAWYERS THEY REQUESTED (MANILA 6323). AT MAY 23 HEARING, AMCIT LEHMAN TESTIFIED HE HAD ATTENDED SEVERAL MEETINGS IN WHICH DETAILS OF ASSASSINATION PLOT DISCUSSED AND THAT BOTH OSMENA JR. AND HIS SONE SERGIO III AND LOPEZ JR. PRESENT AT THESE MEETINGS (MANILA 7227).

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C O N F I D E N T I A L SECTION 2 OF 2 MANILA 0884

ON MAY 29, FORMER MANILA MAYORALTY CANDIDATE EDUARDO FIGUERAS TESTIFIED EUGENIO LOPEZ, SR. HAD TOLD HIM HE WOULD USE HIS SON AS COORDINATOR BETWEEN OSMENA GROUP AND LOPEZ FAMILY IN ASSASSINATION PLOT (MANILA 7456). ON JULY 29, JUAN DAZA TOLD THE REINVESTIGATION PANEL LOPEZ/OSMENA WERE RECRUITING AGENTS FOR THE OSMENA ASSASSINATION CONSPIRACY (A-206 OF JULY 29). THERE HAVE BEEN NO DEVELOPMENTS ON REINVESTIGATION FRONT SINCE THEN.

5. MARCOS' INTENTIONS. THE CHIEF PROSECUTOR TOLD AN EMBOFF MARCH 13 THAT MARCOS WAS LEANING TOWARD PUBLISHING ALL EVIDENCE IN LOPEZ/OSMENA CASE AND THEN RELEASING THEM BUT DEFECTION OF MIJARES AND PARADE ARTICLE CRITICAL OF MARCOS MADE HIM CHANGE HIS MIND. ON MARCH 24, 1975 MARCOS TOLD THE AMBASSADOR HE HAD HAD A MESSAGE FROM STEVE PSINAKIS OFFERING TO COME TO PHILIPPINES TO SETTLE PROBLEM AND THAT HE WAS AGREEABLE TO SEEING PSINAKIS. EMBASSY SUGGESTED PRESIDENT'S PROFESSED WILLINGNESS TO SEE PSINAKIS INDICATED HIS DESIRE TO GET RID OF THIS PROBLEM ALTHOUGH MEETING DID NOT MATERIALIZE (MANILA 3847). SOLICITOR GENERAL TOLD EMBOFF IN EARLY JULY THAT WHILE RELEASE OF BIG NAME HOSTAGES (AQUINO, LOPEZ/OSMENA) MIGHT SOUND EASY MARCOS WOULD HAVE TO SHOW THERE REASON FOR KEEPING THEM UNDER DETENTION SO CONFIDENTIAL

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LONG. IN CASE OF LOPEZ/OSMENA THERE WAS ALSO DANGER OF TREATING AN ASSASSINATION ATTEMPT TOO LIGHTLY (MANILA 9314). ON OCTOBER 23, 1975 MARCOS TOLD CSM CORRESPONDENT SOUTHERLAND HE HAD OFFERED LOPEZ/OSMENA AMNESTY ON BASIS THAT THEY PLEDGE ALLEGIANCE TO FLAG AND NOT TAKE UP ARMS AGAINST REPUBLIC. MARCOS SAID HE HAD MADE OFFER BECAUSE "YOU CANNOT RELEASE A PERSON AGAINST WHOM THERE IS EVIDENCE UNLESS THERE IS A TRIAL AND THEY ARE FOUND INNOCENT OR THEY ARE PARDONED AFTER CONVICTION." IN OCT 22 INTERVIEW WITH ROBERT SHEPLEN, MARCOS CONVEYED IMPRESSION HE WANTED TO SETTLE LOPEZ/OSMENA MATTER BUT SAID MILITARY WAS ANXIOUS FOR TRIAL BECAUSE OF ASSASSINATION ANGLE.

6. COMMENT: LOPEZ/OSMENA CASE IS EXCEPTIONALLY COMPLICATED AND HAS ROOTS IN OLD SOCIETY RIVALRIES BETWEEN THEIR CLANS AND MARCOS. IT HAS BEEN FURTHER COMPLICATED BY POST MARTIAL LAW SIEZURE OF LOPEZ FAMILY HOLDINGS AND PSINAKIS ANTI-MARCOS CAMPAIGN IN U.S. RECORD SUGGESTS THAT THERE MAY INDEED HAVE BEEN AN ASSASSINATION PLOT CONTEMPLATED AGAINST MARCOS AND THAT BOTH EUGENIO LOPEZ, JR. AND SERGIO OSMENA III MIGHT HAVE BEEN AT LEAST marginally INVOLVED. AT TIMES MARCOS HAS APPEARED ANXIOUS TO CLOSE CASE BY HAVING TWO ADMIT THEIR GUILT AND ACCEPT AMNESTY.

SUCCESS OF PSINAKIS' ANTI-MARCOS CAMPAIGN IN U.S., HOWEVER, INFURIATED HIM AND APPARENTLY DISSUAGED HIM FROM TAKING THIS ACTION. HE ALSO PLEADS MILITARY OPPOSES LETTING ANYONE INVOLVED IN ASSASSINATION PLOT OFF WITHOUT TRIAL BUT IT IS IMPOSSIBLE TO VERIFY IF THIS CLAIM HAS ANY BASIS IN FACT. MRS. LOPEZ FEELS HER HUSBAND NOW HAS BEST CHANCE FOR RELEASE SINCE HIS CONFINEMENT. SHE IS ANXIOUS THAT HER BROTHER-IN-LAW'S CRUSADE NOT QUEER THE DEAL SHE AND HER HUSBAND HOPE TO MAKE.

7. PSINAKIS HAS CONSISTENT HISTORY OF SELF-SERVING PUBLICITY. WE WOULD ANTICIPATE RESULTS OF HIS MEETING WITH ASSISTANT SECRETARY HABIB WILL BE SPLASHED OVER FRONT PAGES OF ESCLAMADO'S PAPER PHILIPPINE NEWS UNLESS STATE CAN OBTAIN ASSURANCE IN ADVANCE, PREFERABLY IN WRITING, TO CONTRARY. VIEW MRS. LOPEZ'S CONCERN ABOUT EFFECT OF PSINAKIS' ACTIVITIES ON HER EFFORTS TO GET HER HUSBAND RELEASED AND HER CURRENT OPTIMISM, STRONGLY RECOMMEND STATE OBTAIN SATISFACTORY CONFIDENTIAL

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